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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)
350292000402

In re Application of
Akito NAKAMURA et al.

Application Number
10/749,538

Filed
December 30, 2003

For REMEDIES FOR MYELOMA TO BE USED TOGETHER WITH
NITROGEN MUSTARD ANTITUMOR AGENTS

Art Unit
1642

Examiner
Misook Yu

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 510.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1952 ~~I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/47) is attached to this submission in duplicate.~~

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: INFORMATION ON THIS FORM MAY BECOME PUBLIC. CREDIT CARD INFORMATION SHOULD NOT BE INCLUDED ON THIS FORM. PROVIDE CREDIT CARD INFORMATION AND AUTHORIZATION ON PTO-2038.

I am the

☐ applicant /inventor.

/Gregory P. Einhorn/
Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)

Gregory P. Einhorn
Typed or printed name

☒ attorney or agent of record.

Registration number 38,440

(858) 720-5133

☐ attorney or agent acting under 37 CFR 1.34.

Telephone number

Registration number if acting under 37 CFR 1.34. _____

July 25, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.